

RECEIVED

NOV 29 2011

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Robert Larson  
C/o 1421 Beach Road  
McHenry, Illinois [60050]

Plaintiff

vs

Weltman, Weinberg, & Reis Co., LPA  
180 NORTH LaSALLE STREET,  
SUITE 2400, CHICAGO, ILLINOIS 60601.

Defendants

Case# 11 C 50354

Honorable Judge Kapala

Demand For Trial by Jury  
Fully Endorsed Herein

ORIGINAL COMPLAINT FOR VIOLATIONS  
OF THE FDCPA AND FCRA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. §1681p and 28 U.S.C §1331. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Robert Larson, a natural person, who resides in McHenry County, Illinois this county and defendants are also residents of the United States District Court for the Northern District of Illinois.

4. The Defendant Resident in this lawsuit is WELTMAN, WEINBERG & REIS CO., LPA, an unknown entity with so-called offices at 180 NORTH LaSALLE STREET, SUITE 2400, CHICAGO, ILLINOIS 60601.

5. The occurrences which give rise to this action occurred in McHenry County, Illinois Plaintiff

resides in the inferior venue McHenry County, Illinois.

6. Venue is proper in the United States District Court, Illinois for the Northern District Of Illinois..

### **PROVABLE ALLEGATIONS THE FACTS**

7. Plaintiff pulled consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
8. Plaintiff determined that his credit report had been pulled on various occasions by various entities he did not recognize and without his consent.
9. Plaintiff found after examination of his Trans Union consumer credit report that Defendant WELTMAN, WEINBERG & REIS CO., LPA had pulled Plaintiff's Trans Union consumer credit report in April 05, 2011.
10. Discovery of violation brought forth herein occurred in July 2011 are within the statute of limitations as defined in FCRA, 15 U.S.C. § 1681p.

#### **Count I**

##### **VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681 WILLFUL NON-COMPLIANCE BY DEFENDANT WELTMAN, WEINBERG & REIS CO., LPA**

11. Paragraphs 1 through 10 are re-alleged as though fully set forth herein.
12. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
13. Trans Union is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
14. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
15. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may

obtain a consumer credit report

16. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
17. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant WELTMAN, WEINBERG & REIS CO., LPA
18. At no time did Plaintiff give his consent for Defendant WELTMAN, WEINBERG & REIS CO., LPA, to acquire his consumer credit report from any credit reporting agency.
19. FCRA in 15 U.S.C. §1681a(r)(4) states: terms "account" and "electronic fund transfer" have the same meanings as in 1693a of this title.

**(2) the term "account" means a demand deposit, savings deposit, or other asset account (other than an occasional or incidental credit balance in an open end credit plan as defined in section 103(i) of this Act), as described in regulations of the Board, established primarily for personal, family, or household purposes, but such term does not include an account held by a financial institution pursuant to a bona fide trust agreement;**

20. The definition of "account" clearly does not include an account such as a credit card open end credit account but does a demand deposit account, savings deposit or other asset account which is wholly different. The Plaintiff never had any such account so there was obviously no permissible purpose for the credit pull.
21. On April 05, 2011, WEINBERG & REIS CO., LPA the Trans Union consumer credit report for the Plaintiff with no possible permissible purpose in violation of FCRA, 15 U.S.C. § 1681b.
22. The action of Defendant WELTMAN, WEINBERG & REIS CO., LPA the consumer credit

report of the Plaintiff with no permissible purpose or Plaintiff's consent was a violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

## **COUNT II**

### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 1U.S.C.**

#### **§1692(i) NEGLIGENCE NON-COMPLIANCE BY DEFENDANT**

23. Paragraphs 1 through 4 are re-alleged as though fully set forth herein. §1692(i)(a)

- b) Any debt collector who brings any legal action on a debt against any consumer shall (2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar

**legal entity—**

(A) in which such consumer signed the contract sued upon; or

(B) in which such consumer resides at the commencement of the action.

24. WELTMAN, WEINBERG & REIS CO., LPA brought suit in LAKE COUNTY where the Plaintiff did not live in said county and the alleged conduct of the alleged Defendant Robert Larson in that matter did not occur in that county. Venue is improper and therefore the court in that county had no jurisdiction.

25. WELTMAN, WEINBERG & REIS CO., LPA brought suit in LAKE COUNTY against the plaintiff and appears to be litigating for DISCOVER BANK or has assumed the role of debt collector having purchased alleged debt from DISCOVER BANK.

26. A validation of debt letter was sent USPS CERTIFIED MAIL #7009 3410 0000 7573 0110

to DISCOVER, PO BOX 6103, CAROL STREAM, ILLINOIS [60197-6103] on February 07, 2011 under Notary Presentment (See exhibit 1 support).

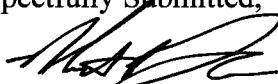
27. As of the date of this action, validation of debt has NOT been provided to plaintiff. (See attached exhibit 2 ). Wherefore, Plaintiff demands judgment for damages against Defendant, WELTMAN, WEINBERG & REIS CO., LPA statutory damages of \$2,000.00, punitive damages to be determined by this honorable court, paralegal's fees, and costs pursuant to 15 U.S.C. § 1681n.

Plaintiff has Superior compelling interest in his own credit and also demands other damages allowed by the court for this trespass, emotional distress and anguish for the false pull and damage to credit and plaintiff's good name.

**DEMAND FOR TRIAL BY JURY FULLY INDORSED**

**Plaintiff hereby demands a trial by jury of all issues so tribal as a matter of law and fact.**

Respectfully Submitted,

By:   
Robert R. Larson

C/o 1421 Beach Road

McHenry, Illinois [60050]

Email: extremelyeasy@yahoo.

"at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deuteronomy 19:15

Jacob Johnson  
Jordan Johnson  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses

**CERTIFICATE OF SERVICE**

1. The undersigned do certify that I shall deliver within 120 days a true and correct copy of the forgoing document ORIGINAL COMPLAINT FOR VIOLATIONS OF THE FDCPA AND FCRA either by consent media of the type of email fax skype or by hand depositing, a copy thereof in the United States Mail postage prepaid, in an envelope addresses to: Weltman, Weinberg, & Reis Co., LPA 180 NORTH LaSALLE STREET,SUITE 2400, CHICAGO, ILLINOIS 60601.

By:   
Robert Larson

# AFFIDAVIT OF NOTARY PRESENTMENT

STATE OF ILLINOIS )  
                      ) ss.  
COUNTY OF LAKE   )

## CERTIFICATION OF MAILING

On this seven Day of February, two-zero one-one, for the purpose of verification, I, the undersigned Notary Public, being commissioned in the County and State noted above, do certify that Robert Richard Larson appeared before me with the following documents listed below. I, the undersigned notary, personally verified that these documents were placed in an envelope and sealed by me. They were sent by United States Post Office Certified Mail # 7009 3410 0000 7573 0110 to: DISCOVER, PO BOX 6103, CAROL STREAM, ILLINOIS [60197-6103]

	<u>Number of Pages</u>
1. AFFIDAVIT OF NOTARY PRESENTMENT /CERTIFICATION OF MAILING (1 PAGE)	1
2. NOTICE AND DEMAND TO VALIDATE DEBT CLAIM (5 PAGE)	5

WITNESS my hand and official seal.

Daisy F. Valencia  
NOTARY PUBLIC

2/7/2011  
DATE

My commission expires: 06/25, 2014



### LEGAL NOTICE

The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. *Tampering with a witness, victim, or an informant*. The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

EXHIBIT

/

**ENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

**DISCOVER**  
**PO BOX 6103**  
**CAROL STREAM**  
**ILLINOIS [60197-6103]**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <b>X</b>	<input type="checkbox"/> Agent
	<input type="checkbox"/> Addressee
B. Received by (Printed Name) <b>J. P. A.</b>	C. Date of Delivery <b>3/2</b>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: _____	
<input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

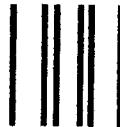
Article Number  
(Transfer from service label) **7009 3410 0000 7573 0110**

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

**Daisy F. Valencia, Notary**  
**1421 Beach Road**  
**McHenry**  
**Illinois 60050**

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
<b>CAROL STREAM IL 60197 LOCAL USE</b>		
7009 3410 0000 7573 0110	Postage	\$ 0.61
	Certified Fee	\$ 2.80
	Return Receipt Fee (Endorsement Required)	\$ 2.30
	Restricted Delivery Fee (Endorsement Required)	\$ 0.00
	Total Postage & Fees	\$ 5.71
		02/07/2011
Sent To: <b>DISCOVER</b> Street, Apt. No.; or PO Box No. <b>PO BOX 6103</b> City, State, ZIP+4		

Date: Done by the Light of Day - seven February two-zero one-one  
USPS Delivery Certified Mail Confirmation: [7009 3410 0000 7573 0110]

**NOTICE AND DEMAND TO VALIDATE DEBT CLAIM**

:Robert-Richard,,,Larson:  
Nation Illinois.  
General Post-Office.  
Island Lake. Larson Province.  
UM. Near. [60042-9998]

REF: Your correspondence purporting to allege a debt claimed by:

DISCOVER  
PO BOX 6103  
CAROL STREAM  
ILLINOIS [60197-6103]  
Re: Alleged Account [6011 0074 2074 3790]

This is an offer to fully pay/discharge the attached claim of debt on the condition that the claiming party complies with this notice within 30 days of receipt of this correspondence.

**NOTICE OF CLAIM DISPUTE**  
**NOTICE TO AGENT IS NOTICE TO PRINCIPAL**  
**NOTICE TO PRINCIPAL IS NOTICE TO AGENT**  
**APPLICABLE TO ALL SUCCESSORS AND ASSIGNS**

---

**\*\*\*\*\*SILENCE IS ACQUIESCE\*\*\*\*\***

---

**NOTICE AND DEMAND TO CEASE AND DESIST COLLECTION ACTIVITIES PRIOR TO  
VALIDATION OF PURPORTED DEBT**

Pursuant to the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and the Fair Debt Collection Practices Act laws of the United States Code § 1692 et. seq. This notice constitutes a timely written response to your Fair Debt Collection Practices Act notice that you are attempting to collect an alleged debt and is not a dishonor of your alleged claim of debt.

This notice is my, required by law, demand to "cease and desist" collection activities prior to validation of purported debt and you must validate the enclosed claim of an alleged debt. You must provide verification that an actual debt really exists by producing the following:

- (1) The name and address of the organization or other governmental unit alleging a debt;
- (2) The name and address of the person or persons in that organization or other governmental unit alleging a claim of a debt;
- (3) The name of the actual creditor even if that is myself;
- (4) **The origin of the funds used to create this alleged claim of a debt**
- (5) **The actual records of the organization or other government unit showing the time and place of the deposit and distribution of the funds used to create this alleged claim of debt.**
- (6) **The actual records of the organization or other governmental unit showing that an actual loan was made from the organization or other governmental unit's own funds that resulted in the enclosed alleged claim of a debt.**
- (7) **The actual records of the organization or other governmental unit with a live signature on any and all document/instrument(s) used to allege the existence of a real loan of funds or debt from the organization or other governmental unit to myself or anyone else by a similar name.**
- (8) **Be advised that verification is defined (Black's Law Dictionary, 6<sup>th</sup> Edition) as follows: "Confirmation of correctness, truth, or authenticity, by affidavit, oath or deposition". Affidavit of truth of matter stated and object of verification is to assure good faith in averments or statements of party.**
- (9) The actual records of the organization or other governmental unit showing that an honest disclosure of facts relating to the alleged loan was made by the organization or other governmental unit in compliance with the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and Regulation Z.
- (10) **The actual records of the organization or other governmental unit showing that any and all document/instrument(s) containing my signature or the likeness of my signature were not negotiated or pledged by the organization or other governmental unit against my credit to create the funds used for the appearance of a debt and resulting in this alleged claim of debt.**

(11) **The person that prepares and swears to the validation of debt must describe:** 1) your job description on a daily basis; 2) if you are the regular keeper of those books and records and are familiar with how they are kept and their contents; 3) how long have you been in your position; 4) when did you first come in contact with the alleged account/debt; 5) how frequently do you work with the files and information they are presenting to verify/validate the alleged debt; 6) are you the person/employee who regularly works with the alleged account/debt; and 7) do you have personal knowledge about the alleged debt and/or any alleged account.

15 U.S.C. § 1692 (e) states that a “false, deceptive, and misleading representation, in connection with the collection of any debt,” includes the false representation of the character or legal status of any debt and further makes a threat to take any action that cannot legally be taken a deceptive practice.

Pursuant to 15 U.S.C. § 1692 (g) (4) **Validation of Debts**, if you have evidence to validate your claim that the attached presentment does not constitute fraudulent misrepresentation and that one owes this alleged debt, this is a demand that, within 30 days, you provide such verification/validation and supporting evidence signed and certified under penalty of perjury to substantiate your claim. Until the requirements of the Fair Debt Collection Practices Act have been complied with and your claim is verified/validated, you have no consent to continue any collection activities.

This is a constructive notice that, absent the validation of your claim within 30 days, you must “cease and desist” any and all collection activity and are prohibited from contacting me through the mail, by telephone, in person, at my home, or at my work. You are further prohibited from contacting any other third party. Each and every attempted contact, in violation of this act, will constitute harassment and defamation of character and will subject your agency and/or attorney and any and all agents in his/her individual capacities, who take part in such harassment, and defamation, to a liability for actual damages, as well as statutory damages of up to \$1,000 for each and every violation, and a further liability for legal fees to be paid to any counsel which I may retain. Further, absent such validation of your claim, you are prohibited from filing any notice of lien and/or levy or judgment and are also barred from reporting any derogatory credit information to any credit reporting agency, regarding this disputed purported debt.

Further, pursuant to the **Fair Debt Collection Practices Act**, 15 U.S.C. § 1692 (g) (8), as you are merely an “agency” or other governmental unit of the United States, acting on someone else’s behalf, this is a demand that you provide the name of the original “principal”, or “holder in due course”, for whom you are attempting to collect this alleged debt.

Please take notice that this is a criminal investigation of the business practices of the above named organization or other governmental unit, its agents, officers, employees and attorney to determine violations of the United States criminal laws. Your enclosed claim of collection of a purported debt appears to be founded upon a false record in violation of U.S.C. Title 18 § 2071 and 2073 (falsifying records) and further; uttering and possessing false obligations and counterfeit securities based upon the falsified records in violation of U.S.C. Title 18 § 471, 472, 473 and/or 513, and further: using corrupt business practices to make and possess false records and claim of obligation, not substantiated by truthful facts in violation of the Federal Racketeer Influences and Corrupt Organization (RICO), U.S.C. Title 18 § 1961 et. seq. and further: using the U.S. Mail to present such fraud and false instruments amounting to Mail Fraud, criminal conduct falling under Title 18 U.S.C. § 1341 – Frauds and Swindles laws, and further sending mail with false and fictitious names, a criminal conduct falling under Title 18 U.S.C. § 1842 – Fictitious Names.

**TAKE NOTICE**

DISCOVER'S failure in providing Respondent with the requisite verification, validating the above referenced alleged debt within the requirements of law as codified in the Fair Debt Collection Practices Act, Fair Credit Reporting Act and the corresponding laws of each state, signifies that DISCOVER tacitly agrees that:

- a. DISCOVER has no lawful, bona fide, verified claim, re the above-referenced alleged account;
- b. DISCOVER waives any and all claims against Respondent and
- c. DISCOVER tacitly agrees that DISCOVER will compensate Respondent for all costs, fees and expenses incurred in defending against this and any and all continued collection attempts, re the above-referenced alleged account.
- d. Failure of DISCOVER to properly and legally verify/validate alleged debt as required in this notice is a self executing irrevocable power of attorney authorizing Respondent/Alleged Debtor named herein to direct the permanent removal, on behalf of DISCOVER, of any and all references to said account in any and all credit reporting agency files of any type.

In order to research your claims and verify their accuracy, I hereby request and you must therefore supply me with, the CUSIP number your company has attached to the application that was used to create this account.

If you are unwilling to supply me with the CUSIP number for the aforementioned application and CUSIP number(s) generated from debt(s) then you are thereby disavowing any and all contracts generated by said application.

Or in the alternative, you may voluntarily discharge any debts you claim I owe.

There is no need for any further communication between us until such a time as you supply me with the aforementioned CUSIP number(s) and/or validation that you have voluntarily discharged said purported debt.

This response will constitute my effort to resolve this on-going debt claim between the parties involved. Until full disclosure is achieved, there can be no case, collection or action. "No civil or criminal cause of action can arise lest, out of fraud, there be a valid, honest contract." See Eads v. Marks 249 P. 2d 257, 260.

Done this seven Day of February two-zero one-one

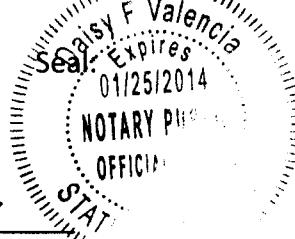
I declare under penalties of perjury in accordance with the laws of the United States of America (**without** the "United States") Title 28 U.S.C. § 1746(1) the foregoing is true and correct and is admitted when not rebutted, so help me.

By grantor R. J. Larson

On the seven day of February two-zero one-one Robert-Richard: Larson personally appeared before me in McHenry County, Illinois and placed his signature above.

Daisy F. Valencia  
Notary Signature

My Commission expires: 01/25/2014



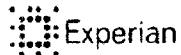
## Credit Inquiries

Here you will find the names of those who have obtained a copy of your credit report, including lenders, landlords and employers. Remember, inquiries remain on your report for up to 2 years.

### WELTMAN WEIN



**216-739-5000**  
965 KEYNOTE CIRCLE  
BROOKLYN HTS, OH 44131



**Business Name**  
*Inquiry Date*  
**Business Type**



WELTMAN WEIN  
4/5/2011  
Collection services



### ZWICKER&ASC



**800-370-2251**  
80 MINUTEMAN RD  
ANDOVER, MA 01810



**Business Name**  
*Inquiry Date*  
**Business Type**



ZWICKER&ASC  
11/29/2010  
Collection services



### DISCOVER



### CREDITORS INTERCHG



**716-614-7500**  
80 HOLTZ DR  
BUFFALO, NY 14225



**Business Name**  
*Inquiry Date*  
**Business Type**



DISCOVER  
9/21/2010  
Other

